

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.111.5.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MELVIN HARRIS,

Defendant and Appellant.

2d Crim. No. B217577  
(Super. Ct. No. F282025)  
(San Luis Obispo County)

Melvin Harris appeals from an order denying his petition for writ of error coram nobis to recall a 1999 sentence after a jury convicted him of possessing methamphetamine and marijuana for sale at Atascadero State Hospital. (Health & Saf. Code, §§ 11378, 11359.) Appellant was sentenced to state prison for 50 years to life as a three striker. (Pen. Code, § 667, subd. (e)(2)(A)(ii).) In 2000, we affirmed the conviction in a published opinion. (*People v. Harris* (2000) 83 Cal.App.4th 371 [B13644].)

Appellant filed the coram nobis petition on March 23, 2009, alleging, among other things, that he was insane when he committed the offense and at trial.

On March 31, 2009, the San Luis Obispo County Superior Court denied the petition on the ground that it was not based on newly discovered evidence. The court found that appellant was aware of his mental condition during the 1999 trial, that appellant discussed the mental competency issue with appellate counsel in 2000, and that

appellant raised the mental competency issue in the two habeas corpus petitions that were denied in 2001 and 2004. The superior court denied the petition for writ of coram nobis on the ground that appellant has not shown show due diligence to obtain relief, that the petition is not based on newly discovered evidence, and that the piecemeal presentation of claims bars appellant from obtaining relief by coram nobis. (*People v. Kim* (2009) 45 Cal.4th 1078, 1093-1100.)

We appointed counsel to represent appellant in this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised.

On September 29, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. We have received no response from appellant.

Having reviewed the entire record, we are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment (order denying petition for writ of coram nobis) is affirmed.

NOT TO BE PUBLISHED.

YEGAN, Acting P.J.

We concur:

COFFEE, J.

PERREN, J.

Stephen B. Sefton, Judge  
Superior Court County of San Luis Obispo

---

California Appellate Project, under appointment by the Court of Appeal,  
Jonathan B. Steiner, Executive Director and Richard B. Lennon, Staff Attorney, for  
Appellant.

No appearance for Respondent.